



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

January 13, 2000

The Honorable Steve Largent  
U.S. House of Representatives  
426 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Largent:

Thank you for your letter regarding the Commission's "Competitive Networks" initiative to facilitate the development of telecommunications competition in multiple tenant environments.

The Commission released its *Notice of Proposed Rulemaking* in WT Docket No. 99-217 and CC Docket No. 96-98 on July 7, 1999. Among other things, this *Notice* sought comment on the Commission's authority to take action to ensure that competitive providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. I appreciate your statement asserting that the Communications Act provides the Commission with adequate authority to ensure such access. I am confident that your comments will help us as we review all of the issues raised in this proceeding.

We have placed your letter in the record of this proceeding and will consider all comments carefully. I appreciate your interest and strong support for the Commission's initiatives to increase competition in the telecommunications market.

Sincerely,

A handwritten signature in cursive script, reading "William E. Kennard".

William E. Kennard  
Chairman

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3601**

September 27, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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The Honorable William E. Kennard  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street SW.  
Suite 8-B20 I  
Washington, D.C. 20554

Dear Chairman Kennard:

I understand that many consumers that work or live in multi-tenant buildings are experiencing difficulty in obtaining access to new telecommunications carriers entering the market. This obstacle jeopardizes the realization of widespread telecommunications competition

I congratulate the Federal Communications Commission (FCC) for addressing this obstacle to telecommunications competition in its recently released Notice of Proposed Rulemaking. Nevertheless, it has come to my attention that several Commissioners have expressed some concern as to whether the FCC possesses the requisite authority to prescribe multi-tenant building owners to allow telecommunication carrier access to their buildings so that consumers therein can receive the benefits of competition that Congress intended. I believe that Congress has already provided the FCC with adequate authority to resolve the building access issue in an equitable manner.

The FCC retains substantial authority under the Communications Act over interstate radio and wire communications – authority that includes facilities and services incidental to transmission. To the extent that occupants of multi-tenant buildings are restricted in their access to radio or wire communications from their carrier of choice due to a landlord's control over transmission facilities within a building, the FCC already has jurisdiction to remedy the problem.

The FCC also has authority to provide telecommunications carrier access to rights-of-way that are used by utilities. As the FCC properly recognized in its NPRM, to the extent that transmission facilities (such as wires) or even rights-of-way (such as open conduits or riser space or the right to access a rooftop) within a building are controlled by a utility (such as an incumbent local exchange carrier), the FCC can require the utility to provide telecommunications carriers nondiscriminatory access to those inter-building facilities pursuant to Section 224. Indeed, it is my understanding that some ILECs and electric utilities presently locate their own antennas on rooftops in order to transmit telecommunications and video signals. If ILECs already engage in such activity, I see no reason why the FCC cannot allow CLECs to do the same pursuant to

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Finally, the FCC's existing authority under Section 207 of the Telecommunications Act provides more than ample ancillary, and even direct, bases of FCC authority to resolve the building access issue.

Given the specific grants of authority afforded the FCC by the Communications Act, I believe the agency already possesses the tools to resolve the building access issue so that commercial and residential occupants of multi-tenants buildings nationwide can enjoy the benefits of telecommunications competition. I would encourage the FCC to use that authority to reach a resolution that will ensure that the benefits of competition extend to commercial and residential tenants to multi-tenant buildings in balance with the property rights of building owners to find a fair, equitable solution.

I appreciate your consideration of this matter

Sincerely,

*Thanks, Chairman!*



Steve Largent  
Member of Congress